

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Cynthia J. Daniels,)	Civil Action No. 1:15-cv-04371-JMC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
ASCO Numatics,)	
)	
Defendant.)	
_____)	

Plaintiff Cynthia J. Daniels (“Plaintiff”) filed this action against her employer Defendant ASCO Numatics (“Defendant”) alleging that she was subjected to (1) discrimination because of her race and religion, (2) a hostile work environment, and (3) lower pay and benefits than her white co-workers—all in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e–2000e-17, the Equal Pay Act of 1963, 29 U.S.C. § 206, and South Carolina Human Affairs Law, S.C. Code Ann. §§ 1-13-10 to -110 (2015). (ECF No. 1.)

This matter is before the court on Defendant’s Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted. (ECF No. 6.) Plaintiff did not file opposition or otherwise respond to Defendant’s Motion to Dismiss. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.), the matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On March 23, 2016, the Magistrate Judge specifically warned Plaintiff “that if she fails to respond, this action may be decided on the record presented in support of the defendant’s motion, . . . or may be recommended for dismissal with prejudice for failure to prosecute.” (ECF No. 11 at 1 (citing Local Civ. Rule 7.06 (D.S.C.); Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b)).) Thereafter, on April 6, 2016, the Magistrate Judge issued a

Report and Recommendation in which she recommended that the court grant Defendant's Motion to Dismiss. (ECF No. 14.)

A magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270–71 (1976). The court reviews de novo only those portions of a magistrate judge's report and recommendation to which specific objections are filed, and reviews those portions which are not objected to - including those portions to which only "general and conclusory" objections have been made - for clear error. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). The court may accept, reject, or modify, in whole or in part, the recommendation of a magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Plaintiff was advised of her right to file specific written objections to the Report and Recommendation within fourteen (14) days of the date of service or by April 25, 2016 (ECF No. 14 at 3 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)).) Plaintiff did not file objections to the Magistrate Judge's Report and Recommendation. In the absence of objections to a report and recommendation, this court is not required to provide an explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). After carefully reviewing the record and the applicable law, the court finds no clear error and agrees with the Magistrate Judge's findings. Accordingly, Defendant's Rule

12(b)(6) Motion should be granted as to Plaintiff's claims.

For the reasons set forth above, the court hereby **GRANTS** the Motion to Dismiss of Defendant ASCO Numatics pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 6.) The court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 14) and incorporates it herein by reference.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 10, 2016
Columbia, South Carolina